

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the amendments made herein and the following remarks.

This Amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After entering the amendments set forth herein, Claims 1, 5-7, 9, 10, 12-20, and 22-29 (23 claims) are pending in the application. The status of claims of this application is that Claims 2, 3, 4, 8, 11, 21 and 30 were previously cancelled, Claims 1, 12 and 22 are currently being amended, and Claims 5, 10, 14, 16, 24 and 26 are withdrawn.

On October 15, 2007, patent attorney Wilke and Examiner Hawk conducted a telephone conference concerning proposed claim amendments. It is the understanding of the undersigned that no agreement regarding any claim language or amendments was reached.

**Claim Rejections – 35 U.S.C. §102**

**Independent Claim 1**

On page 2, paragraph 3 of the Office Action, the Examiner rejected claims 1, 7 and 9 under 35 U.S.C. §102(b) as being anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner asserted that Benoit discloses a seating system for a vehicle that “further comprises a rotary retraction device (spring 21 acts to bias the handle device and the rotary manner) configured to return the handle device to a stowed position”.

Claim 1 is in independent format and recites “a seating system for a vehicle” comprising at least, “a second actuator coupled to the first actuator with an elongated connection member” and “a rotary retraction device having a torsion spring including a cord configured to return the handle device to a stowed position.” Claims 6, 7 and 9 depend from independent claim 1, as amended. See 35 U.S.C. §112, fourth paragraph.

Benoit fails to disclose a “seating system for a vehicle” comprising, among other elements, “a second actuator coupled to the first actuator with an elongated connection member” and “a rotary retraction device having a torsion spring including a cord configured to return the handle device to a stowed position” as recited in amended independent Claim 1.

In the Benoit reference, the spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a lever arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit. In contrast, Applicants’ independent Claim 1 requires an elongated connection member 128 and a rotary retraction device 132 having a torsion spring and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 and paragraph [0022], the last 7 lines, of the application as originally filed. The Benoit reference fails to disclose, teach or suggest such a mechanism as set forth in Applicants’ independent Claim 1. Applicants respectfully request withdrawal of the rejection of independent Claim 1 and dependent Claims 6, 7 and 9.

#### **Independent Claim 12**

On page 3, paragraph 4 of the Office Action, the Examiner rejected Claims 12, 13, 15, 17, and 20 under 35 U.S.C. §102(b) as anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner asserted that Benoit discloses a positioning system in a vehicle that comprises a “second actuator (7) . . . and returned to a stowed position by a rotary spring mechanism (spring 21 rotates the second actuator) configured to return the handle device to a stowed position.”

Independent Claim 12 is directed to “a positioning system for moving a seatback in a vehicle” comprising, in combination with other elements, “a second actuator . . . coupled to the first actuator with an elongated connection member, wherein the second actuator is returned from a use position to a stowed position by a rotary spring mechanism having a torsion spring including a cord.” Claims 13, 15, 17 and 20 depend from Claim 12.

Benoit fails to disclose a “positioning system for moving a seat back in a vehicle” comprising, among other elements, “a second actuator . . . coupled to the first actuator with an elongated connection member, wherein the second actuator is returned from a use position to a stowed position by a rotary spring mechanism having a torsion spring including a cord” as

recited in independent Claim 12, as amended. The rejection of Claim 12 over Benoit is improper. Claim 12 is patentable over the disclosure of the Benoit reference.

In the Benoit reference, the spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a lever arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit. In contrast, Applicants' independent Claim 1 requires an elongated connection member 128 and a rotary retraction device 132 having a torsion spring and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 and paragraph [0022], the last 7 lines, of the application as originally filed. The Benoit reference fails to disclose, teach or suggest such a mechanism as set forth in Applicants' independent Claim 12. Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of independent Claim 12 and dependent Claims 13, 15, 17 and 20.

#### **Independent Claim 22**

On page 4, paragraph 5 of the Office Action, the Examiner has rejected Claims 22, 23, 25 and 27-29 under 35 U.S.C. §102(b) as being anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner asserted that Benoit discloses a seating system for a vehicle that "further comprises a rotary retraction device (spring 21 acts to bias the handle device and the rotary manner) configured to return the handle device to a stowed position".

Claim 22 is in independent form and recites "a system for moving a seat back in a vehicle" comprising, in combination with other elements, "a second actuator disposed proximate a lower corner of the seatback and coupled to the first actuator by an elongated connection member, wherein at least one of the first actuator and the second actuator are provided in a recess of a back panel of the seat back and are extendable from the recess and retractable to the recess by a rotary torsion spring device having a retractable cord." Claims 23-29 depend from independent claim 22.

Benoit fails to disclose a "system for moving a seat back in a vehicle" comprising, among other elements, "a second actuator disposed proximate a lower corner of the seatback and coupled to the first actuator by an elongated connection member, wherein at least one of

the first actuator and the second actuator are provided in a recess of a back panel of the seat back and are extendable from the recess and retractable to the recess by a rotary torsion spring device having a retractable cord” as recited in independent claim 22.

In the Benoit reference, the spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a lever arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit. In contrast, Applicants’ independent Claim 1 requires an elongated connection member 128 and a rotary retraction device 132 having a torsion spring and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 and paragraph [0022], the last 7 lines, of the application as originally filed. The Benoit reference fails to disclose, teach or suggest such a mechanism as set forth in Applicants’ independent Claim 22. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b) of independent Claim 22 and dependent Claims 23-29.

#### **Claim Rejection 35 U.S.C. §103**

On page 5, paragraph 7 of the Office Action, the Examiner rejected Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Benoit, et al as applied to Claim 1 in view of Chang (USPN: 5,433,547). On page 6, paragraph 8 of the Office Action, the Examiner has rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Benoit, et al as applied to claim 12 above in view of Kargilis, et al (USPN: 5,570,931). On page 6, paragraph 9, the Examiner has rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Benoit, et al as applied to claim 12 above in view of Chang (USPN: 5,433,507).

Claim 6, as amended, depends from independent Claim 1. Claims 18 and 19 are dependent from independent Claim 12. Applicants above argue and support that independent Claim 1 and 12 are patentable over Benoit. Accordingly, Claims 6, 18 and 19 are also patentable. See 35 U.S.C. §112, fourth paragraph. Applicants respectfully request withdrawal of the rejection of Claims 6, 18 and 19 under 35 U.S.C. §103(a).

#### **Response to Argument**

On page 6, paragraph 10, the Examiner states that the arguments filed April 26, 2007 “are not persuasive.” On page 6, paragraph 11, the Examiner withdraws the §112 rejection of claims 20 and 29. On page 7, paragraph 12, the Examiner asserts “the spring return mechanism disclosed by Benoit causes a rotary motion and includes a cord . . . “. In response,

Applicants assert that the Benoit reference does not disclose, teach or suggest a "rotary retraction device 132 having a torsion spring" as claimed in Applicant's present application. (see Applicants' disclosure as originally filed at para. 0022 and Fig. 4)

The lever 19 and coil spring taught by Benoit is not a "rotary retraction device having a torsion spring" as disclosed, taught and claims by the Applicants.

\* \* \*

Applicants assert this application is now in condition for allowance which action is solicited. The Examiner is invited to contact the undersigned if a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional required fees regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 12-2136. If no required payment is enclosed herewith, of if a check or credit card payment form is in the wrong amount, unsigned, post-dated or otherwise improper or missing, the Commissioner is hereby authorized to charge any unpaid required amount to Deposit Account No. 12-2136. If any extensions of time are required for timely acceptance of this submission, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any required fees to Deposit Account No. 12-2136.

Respectfully submitted,

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